

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARCOS LOPEZ,

Case No. 2:20-cv-00416-RFB-NJK

Plaintiff,

ORDER

v.

STATE OF NEVADA, EX. REL. NEVADA
DEPT OF CORRECTIONS et al.,

Defendants.

This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. The Court later appointed pro bono counsel. (Docket No. 30). Plaintiff has submitted an application to proceed *in forma pauperis*. (Docket No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on November 18, 2020. (Docket No. 24). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (Docket Nos. 24, 31). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (Docket No. 34).

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (Docket No. 1) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service of subpoenas at government expense.

3. Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada Department of Corrections will forward payments from the account of **Marcos Lopez**,

1 **#1074796** to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
2 month's deposits (in months that the account exceeds \$10.00) until the full \$350 filing fee has been
3 paid for this action. The Clerk of the Court will send a copy of this order to the Finance Division
4 of the Clerk's Office. The Clerk will send a copy of this order to the attention of **Chief of Inmate**
5 **Services for the Nevada Department of Corrections**, P.O. Box 7011, Carson City, NV 89702.

6 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
7 of Plaintiff's complaint (Docket No. 25) on the Office of the Attorney General of the State of
8 Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does not
9 indicate acceptance of service.

10 5. Service must be perfected by June 28, 2021 pursuant to Fed. R. Civ. P. 4(m).

11 6. Subject to the findings of the screening order (Docket No. 24), no later than April
12 20, 2021, the Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a)
13 the names of the defendants for whom it accepts service; (b) the names of the defendants for whom
14 it does not accept service, and (c) the names of the defendants for whom it is filing the last-known-
15 address information under seal. As to any of the named defendants for whom the Attorney
16 General's Office cannot accept service, the Office shall file, under seal, but shall not serve the
17 inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such information.
18 If the last known address of the defendant(s) is a post office box, the Attorney General's Office
19 shall attempt to obtain and provide the last known physical address(es).

20 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file
21 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
22 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General
23 has not provided last-known-address information, Plaintiff shall provide the full name and address
24 for the defendant(s).

25 8. If the Attorney General accepts service of process for any named defendant(s), such
26 defendant(s) shall file and serve an answer or other response to the complaint (Docket No. 25) by
27 May 28, 2021.
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